

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JAMES F. NELSON,

Case No. 3:13-cv-00676-MMD-VPC

Petitioner,

ORDER

v.

DHS/ICE,

Respondents.

Before the Court is Petitioner James F. Nelson's Petition for Writ of Mandamus (dkt. no. 1-1) ("Petition") and Motion for Clerk's Order (dkt. no. 3) ("Motion").

Mr. Nelson seeks a writ of mandamus. However, due to the deficiencies in Mr. Nelson's Petition, the Court is unable to determine whether it has jurisdiction to consider Mr. Nelson's request and, if it does, whether the Court can grant appropriate relief. Mr. Nelson has simply stated that he was convicted in 2006 of "drug trafficking" and that he has requested that the Department of Homeland Security ("DHS") and Immigration and Customs Enforcement ("ICE") deport him to Brazil. While it appears to the Court that Petitioner is seeking relief from his confinement and deportation by DHS/ICE, Petitioner has not been sufficiently clear regarding his requested relief. Mr. Nelson has also failed to explain what, if any, contact he has had with ICE and whether deportation proceedings have commenced. Finally, Mr. Nelson has not explained to the Court his current legal status, although it is apparent he is still serving his custodial sentence. To the extent Petitioner seeks a writ of mandamus to compel DHS/ICE to initiate deportation proceedings, Petitioner lacks standing to seek such relief. See *Campos v.*


1 *I.N.S.*, 62 F.3d 311, 313-14 (9th Cir. 1993) (finding an incarcerated alien lacks standing  
2 to file a writ of mandamus seeking an expedited deportation hearing).

3 Mr. Nelson's Motion asks the Court to enter an order to prevent him from being  
4 moved to another prison during the pendency of these proceedings. (Dkt. no. 3.) Mr.  
5 Nelson has not cited to any relevant authority in support of his Motion and has failed to  
6 demonstrate good cause. More importantly, because the Court dismisses his Petition,  
7 his Motion is rendered moot. Mr. Nelson's Motion is therefore denied.

8 Petitioner's Petition for Writ of Mandamus (dkt. no. 1-1) is denied without  
9 prejudice. Mr. Nelson is granted leave to refile a petition addressing the deficiencies  
10 highlighted in the Court's Order to the extent he is able to do so within thirty (30) days.

11 The Court further orders that Petitioner's Motion for Clerk's Order (dkt. no. 3) is  
12 denied.

13 DATED THIS 10<sup>th</sup> day of February 2014.

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15 MIRANDA M. DU  
16 UNITED STATES DISTRICT JUDGE  
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